

Title:	Freedom of religion in Europe
Lecture hours:	15
Study period: (summer/winter)	Summer and winter semester
Number of credits:	4
Assessment methods:	Attendance at the course, active participation (analysis of judgments of the European Court of Human Rights), final exam
Language of instruction:	English
Prerequisites:	Knowledge of basic legal concepts would facilitate the understanding of the material, however it is not an indispensable condition for attendance.
Course content:	<p>The objective of the course is to give a comprehensive and at the same time critical introduction to the jurisprudence of the European Court of Human Rights on the right to freedom of thought, conscience, religion and belief under Article 9 ECHR. The course will start with the preliminary part aimed at discussing the history, basic nature, scope of protection and limitation clause of Article 9 ECHR, as well as general methodological approach adopted by the Court in the process of its interpretation and application. Afterwards, we will go on to discuss crucial issues related to freedom of religion and belief as emerged in the case-law of the Strasbourg bodies. Special emphasis will be placed on topics perceived as particularly contentious in modern European societies, such as the presence of religion and religious symbols in public space, problems of relations between the secular state and religious communities (taking into account different models of relations between state and religious communities throughout Europe), conscientious objection or the status of religious minorities, especially religious rights of immigrants. In particular, the course is supposed to cover the following issues:</p> <ul style="list-style-type: none"> - challenging the validity of the dichotomy: forum internum and forum externum (a story about a Polish girl who did not want to attend classes in religious instruction); - the extent of the right to manifest one's religion or belief in 'practice' (I have to do it because my God wants me to – I can't do it because my God tells me that it's wrong); - the right to propagate one's faith versus improper proselytism (Convert and you will be saved! My faith is the true one!); - Should I really choose between God and Cesar? limitations on the right to manifest one's religion or belief as a result of a special status of the involved (e.g. state officers, prisoners, soldiers, students in public schools); - the right to education in the context of the freedom of thought, conscience, religion and belief (That smells religious - I don't want my child to learn that!);

	<ul style="list-style-type: none"> - Religious and philosophical convictions inconsistent with values of the European Convention on Human Rights (They are suspicious – they teach that women are inferior to men); - obligations of state authorities stemming from the right to freedom of religion and belief (Who should pay the priest’s salary?) - Issues related to employment and freedom of religion (I am in favour of abortion but I still want to work in that Catholic school – they should not have dismissed me!); - Religious symbols in public space (I (don’t) want to learn under the cross – And I want to wear my headscarf at school. Nobody has forced me to do it, please believe me!); - Is a neutral state really neutral? - the status of religious communities in the state (autonomy of religious communities, formation and dissolution of a religious community as well as limitation on its activities, relationship of state authorities to new religious movements and ‘sects’) - conflicts of freedom of religion and belief with other rights and freedoms laid down in the European Convention on Human Rights (I have to tell them that they are murders – a story about an anti-abortion activist)
Learning outcomes:	<p>The student is supposed to discern and discuss issues related to guaranteeing the right to freedom of religion and belief in contemporary more pluralistic Europe, including both their legal and political implications. He or she is familiar with the case-law of the European Human Rights on the freedom of religion and belief as well as with legal and political approaches to the protection thereof taken at national level of the states-parties to the European Convention of Human Rights. Last, but not least, the student is suppose to have enhanced their knowledge and awareness of the significance of the freedom of religion and belief in more and more secular and pluralistic European societies, and of challenges and difficulties connected with ensuring of its protection.</p>
Name of lecturer:	<p>PhD. Adam Jakuszewicz</p>
Contact (email address):	<p>jakuszewicz@ukw.edu.pl</p>
Literature:	<p>R. Ahdar, Religious freedom in the liberal state, Oxford 2013. P. Cumper, Religion, rights and secular society: European perspectives, Cheltenham 2012. L. Zucca, A secular Europe : law and religion in the European constitutional landscape, Oxford, 2012. L Zucca, Law, state and religion in the New Europe : debates and dilemmas, Cambridge 2012.</p> <p>Judgments of the European Court of Human Rights indicated by the lecturer throughout the seminar.</p>